

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS AND ONSITE  
SEWAGE SYSTEM PROFESSIONALS  
MINUTES**

The Virginia Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals met on July 10, 2012, at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia, with the following members present:

Frank L. Davis, Jr.  
Kornell Davis, Jr.  
Barry T. Dunkley (arrived 9:10 am)  
D. Perry Greene  
Michelle Ann Magrino  
Steven Pellei  
E. Brooke Philpy  
D. Wayne Staples

Board members Kristen Lentz, Gary Schafran and Ronald Thomas were not present for the meeting.

Staff present for all or part of the meeting:

Gordon Dixon, Director  
Mark N. Courtney, Deputy Director of Licensing and Regulation  
David Dick, Executive Director  
Jill Hrynciw, Board Administrator  
Michele Atkinson, Board Administrator  
Kristin Clay, Legal Analyst  
Amy Goobic, Administrative Assistant

Elizabeth Peay was present from the Office of the Attorney General.

Mr. Philpy, Chair, called the meeting to order at 9:00 a.m.

**Call to Order**

Mr. Philpy introduced new board member Steven Pellei. Mr. Dick informed the Board that this would be his last meeting as Executive Director, as he will be retiring in August. Mr. Dick introduced Trisha Henshaw as the incoming Executive Director. Mr. Dick also recognized Kristin Clay, sitting in as legal analyst for Earlyne Perkins.

**Introduction of  
New Board  
Member**

Mr. K. Davis moved to approve the agenda. Mr. Staples seconded the motion, which was unanimously approved by members: F. Davis, K. Davis, Greene, Magrino, Pellei, Philpy and Staples.

**Approval of  
Agenda**

Mr. Staples moved to approve the minutes for the following meetings:

**Approval of  
Minutes**

- Board Meeting Minutes – April 4, 2012;
- Informal Fact-Finding Conferences – May 17, 2012;
- Informal Fact-Finding Conferences – May 31, 2012; and
- Education and Training Committee Minutes – June 15, 2012.

Mr. F. Davis seconded the motion which was unanimously approved by members: F. Davis, K. Davis, Greene, Magrino, Pellei, Philpy and Staples.

Mr. Jim Slusser was present to address the Board. Mr. Slusser expressed concerns with non-licensed persons performing work that requires a license, and feels the Virginia Department of Health (VDH) sets a double standard by having non-licensed employees review the work of licensed persons. Mr. Slusser wants assurance that citizens are receiving proper onsite soil evaluations and system designs.

**Public Comment  
Period**

Mr. Tony Bible was present to address the Board. Mr. Bible expressed concerns regarding VDH's policy related to signing and certification of permit applications. Mr. Bible also spoke about the recently passed HB609 requiring regulants to disclose their license upon request and regulants not signing their work. He further expressed concerns regarding which board governs the exemption to the engineering licensure requirement and wanted to know if the Board is aware that some jurisdictions require licensed individuals to obtain approval from unlicensed individuals.

Mr. Bob Marshall was present to address the Board. Mr. Marshall agreed with the comments of Mr. Slusser and Mr. Bible and expressed concerns regarding filing complaints against a county district office. Additionally, Mr. Marshall asked how regulations regarding 'ethics' could be expanded or modified. Mr. Dick recommended he go to the Virginia Regulatory Town Hall's website at [www.townhall.virginia.gov](http://www.townhall.virginia.gov), which explains the entire regulation promulgation process, including petitions for rulemaking. Mr. Marshall also expressed concerns with the department's license lookup feature, as it does not differentiate between licenses held by public sector or private sector employment. Mr. Dick responded that licensees are not tracked by employer. Mr. Marshall referenced VDH GMP #126 B in his comments, stating that the document references "moonlighting" by AOSEs.

The Board took no action.

In the matter of **File Number 2012-02552, William Goodman IV**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Goodman was present and addressed the Board. Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Goodman's application for a Class 3 Waterworks Operator license. Mr. Greene seconded the motion, which was approved by members: F. Davis, K. Davis, Dunkley, Greene, Magrino, Philpy and Staples. Mr. Pellei abstained from voting.

**File Number 2012-02552, William Goodman IV**

In the matter of **File Number 2012-02787, Ronald Lee Whetzel**, the Board members reviewed the record which consisted of the application file, transcript, and exhibits from the Informal Fact-Finding Conference, and the Presiding Officer's Summary and Recommendation. Mr. Whetzel was not present. Mr. Staples moved to accept the recommendation of the Presiding Officer and approve Mr. Goodman's application for a Class 4 Waterworks Operator license. Mr. Greene seconded the motion, which was approved by members: F. Davis, K. Davis, Dunkley, Greene, Magrino, Philpy and Staples. Mr. Pellei abstained from voting.

**File Number 2012-02787, Ronald Lee. Whetzel**

Mr. Philpy recused himself from the meeting.

**Recusal of Board Member**

In the matter of **File Number 2012-00348, Erin Lynn Bess**, the Board members reviewed the Consent Order as seen and agreed to by Ms. Bess. Ms. Bess was not present. Mr. Dunkley moved to accept the Consent Order which cites the following violation of the Board's regulations: 18VAC160-20-140.7 (Count 1). For this violation, Ms. Bess agrees to pay the following: \$150.00 in board costs, there was no monetary penalty for the violation. In addition, for violation of Count 1, Ms. Bess agrees to take and pass the Board's examination for Onsite Sewage System Professionals and provide proof of successful completion to the Board within ninety (90) days of the effective date of the order. Failure to pass the exam will result in suspension of Ms. Bess's license until she passes the exam.

**File Number 2012-00348, Erin Lynn Bess**

Mr. Staples seconded the motion which was approved by members: F. Davis, K. Davis, Dunkley, Greene, Magrino, and Staples. Mr. Pellei abstained from voting.

As a Board representative in this case, Mr. Philpy was not present, did not participate in the discussion, and did not vote on this matter.

Mr. Philpy returned to the meeting.

**Return of Board Member**

The Board recessed from 9:40 am until 10:00 a.m.

**Recess**

Ms. Atkinson provided a review of the Association of Boards of Certification (ABC) website. Mr. Staples informed the Board that ABC provides valuable information strictly for environmental fields. Ms. Atkinson further informed the Board that membership dues are \$1,800 per year, and is based on the number of regulants. Ms. Atkinson will send login information for the ABC website to board members.

**Review of Association of Boards of Certification Membership**

Discussion was held on the definition of the term ‘actively engaged’ contained in 18VAC160-20-97 C.2. Board members reviewed the memo prepared by staff as requested at the April 4, 2012, board meeting. Staff’s research found six references to the term in Title 54.1 of the *Code of Virginia*, but no definition was found. Staff recommended adopting no definition rather than a broad definition.

**Discussion on Definition of Actively Engaged**

The board took no action.

Ms. Atkinson provided an update of the Waterworks Operators 2011 CPE audit. The “90-day overdue” letter was mailed to seven regulants who failed to comply. Four responded and provided the required documentation. The three who failed to respond had an “alert” added to their license record and will not be able to renew without first providing proof of CPE.

**Update on Waterworks Operators 2011 CPE Audit**

Ms. Atkinson stated that the 2012 Wastewater Works Operators CPE audit was forthcoming and requested that the audit be delayed until November due to the reorganization of board staff. Board members agreed by consensus to the delay of the audit.

**Wastewater Works Operators 2012 CPE Audit**

Mr. Dick updated the Board on pending regulatory activity for the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals.

**Update on Pending Regulatory Activity**

Mr. F. Davis moved to nominate Mr. K. Davis as Vice-Chair. There were no further nominations. Mr. Dunkley moved to nominate Mr. Philpy as Chair. There were no further nominations.

**Election of Board Chair and Vice-Chair**

Mr. Staples moved to accept the nominations by acclamation.

The Board will meet on:

**Future Board  
Meeting Dates**

Wednesday, October 3, 2012  
Thursday, January 10, 2013  
Thursday, April 4, 2013  
Tuesday, July 9, 2013  
Thursday, October 10, 2013

The Board members completed their conflict of interest forms and travel vouchers.

**Conflict of Interest  
Forms**

The Board adjourned at 10:49 a.m.

**Adjournment**

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E. Brooke Philpy, Chair

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Gordon Dixon, Secretary